

# PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **BORDON-PALLIER et al.** Examiner: BERCH, Mark L.  
Application No.: **10/780,018** Art Unit: 1624  
Filed: **February 17, 2004** Conf. No.: 9553  
Title: **NOVEL PURINE DERIVATIVES, METHOD FOR PREPARING THEM,  
THEIR APPLICATION AS MEDICINAL PRODUCTS,  
PHARMACEUTICAL COMPOSITIONS AND NOVEL USE**

Combined Request for Reconsideration of Patent Term Adjustment  
Indicated in the Notice of Allowance (37 C.F.R. § 1.705) and  
Statement of the Correct Patent Term Adjustment: Basis(es) Under §  
1.702 for the Adjustment (37 C.F.R. § 1.705(b)(2)(i) and (ii))

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Applicants request reconsideration of the patent term adjustment indicated in the Notice of Allowance mailed on June 30, 2008.

Applicants submit herewith a “Statement of the Correct Patent Term Adjustment: Basis Under §1.702 For the Adjustment.

Any patent granted on this application is not subject to a terminal disclaimer.

The patent term adjustment shown on the Notice of Allowance is 425 days. It is respectfully suggested that the correct patent term adjustment under §1.702 is 790 days.

Statement of the Correct Patent Term Adjustment

This statement is being submitted in support of the “Request for Reconsideration of Patent Term Adjustment Indicated in the Notice of Allowance” to which this statement is attached.

The basis on which applicant seeks adjustment is as follows:

1. On May 18, 2004 applicants responded to the May 12, 2004 “NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION”.
2. On May 28, 2004 the USPTO issued a “NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)” indicating that applicant failed to provide a English language translation when responding to the May 12, 2004 “NOTICE TO FILING MISSING PARTS OF NONPROVISIONAL APPLICATION”.
3. On August 12, 2004 applicants deposited with the United States Postal Service as first class mail, a response to the May 28, 2004 “NOTICE TO INCOMPLETE REPLY (NONPROVISIONAL)”.
4. Applicants’ August 12, 2004 response enclosed an English translation of the specification and authorized the Commissioner to charge any additional fees which may be required or credit any overpayment to our deposit account number 18-1982.
5. Applicants’ August 12, 2004 response was received by the USPTO on August 16, 2004 as indicated in the Image File Wrapper screen of PAIR.
6. Applicants agree that their August 12, 2004 response (received by the USPTO on August 16, 2004) was not filed within the period set forth in §1.704(b). However, applicants do not agree with the 369 days of delay that they have been assessed. Applicants believe that the USPTO incorrectly entered their response date in the Patent Term Adjustments screen of PAIR as August 16, 2005 instead of August 16, 2004. As a result, applicants believe they should be assessed 4 days of delay in responding to the May 12, 2004 “NOTICE TO FILING MISSING PARTS OF NONPROVISIONAL APPLICATION”, not the 369 days as indicated in PAIR and in the June 30, 2008 Notice of Allowance.
7. Applicants agree with the 794 days of adjustment under §1.703(a)(1).
8. Applicants, therefore, conclude that they are entitled to an Adjustment of Patent Term under 35 USC 154(b) of 790 days.

The Commissioner is authorized to charge the \$200.00 fee set forth in §1.18(e) required by 37 C.F.R. §1.705(b)(1) to Deposit Account No. 18-1982. The Commissioner is also authorized to charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 18-1982.

Respectfully submitted,

September 10, 2008  
Date

/Kelly L. Bender/  
Kelly Bender, Reg. No. 52,610  
Attorney for Applicant

sanofi-aventis U.S. Inc.  
Patent Department  
Route #202-206 / P.O. Box 6800  
Bridgewater, New Jersey 08807-0800  
Telephone: 610-889-8995  
Telefax: 908-231-2626

Docket No. FRAV2003/0006 US NP